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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 WALTER V. LUCAS,

12 Plaintiff,

13 vs.

14 B. ARNOLD,

15 Defendant.

NO. 2:04-cv-0586-CMK-P

**STIPULATION AND ORDER
ALLOWING ADDITIONAL PRE-
TRIAL FILINGS**

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18 The parties, through their undersigned counsel of record, hereby stipulate and agree that the
19 parties be allowed file the following additional items in this case:

- 20 1. Plaintiff will file one additional motion in limine regarding the admissibility of the Plaintiff's
21 psychiatric condition, on or before March 25, 2009.
- 22 2. Defendant will file additional proposed jury instruction(s), regarding factual conflicts that
23 relate to the defense of qualified immunity, on or before March 26, 2009.

24 Responses to these pleadings are due to be filed on or before March 31, 2009. Replies are due on
25 or before April 2, 2009.

26 The need for the filing of this motion in limine by the plaintiff was not apparent until counsel
27 for Plaintiff reviewed the Plaintiff's Central file ("C-file") at R.J. Donovan Correctional Facility in
28 San Diego on March 20, 2009.

The need for the filing of the additional proposed jury instruction was not apparent to counsel for Defendant until he was made aware of the very recent case of *Tortu v. Las Vegas Metropolitan Police Dept.*, ___ F. 3d ___, 2009 WL 514228 (9th Cir., March 3, 2009).

Respectfully submitted,

/S/ Carter C. White

Dated: March 24, 2009

Carter C. White
Attorney for Plaintiff

Dated: March 24, 2009

/S/ Barry Alves

Barry D. Alves
Attorney for Defendant

IT IS SO ORDERED:

DATED: April 1, 2009


CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE